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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,679	09/29/2003	Laurent Ferenczi	0503-1091-2	8263

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EXAMINER	
SHIMIZU, MATSUICHIRO	
ART UNIT	**PAPER NUMBER**
2635	

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/671,679	FERENCZI ET AL.	
	Examiner	Art Unit	
	Matsuichiro Shimizu	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *11-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *11-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Preliminary Amendment

The examiner acknowledges canceled claims 1-10 and new claims 11-14.

Response to Arguments

Regarding applicant's argument (lines 6-14, page 6), the examiner maintains that Tapperson teaches different types (col. 1, line 35) at different locations (col. 1, lines 25-30, industrial processes performed at the plant; lines 32-34, various field devices throughout the plant in a distributed control system known in the control art).

Therefore, rejection of claims 11-14 follows:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tapperson et al. (5,682,476) in view of Hatakeyama (5,739,760).

Regarding claim 11, Tapperson discloses

an installation for the remote individual monitoring of plural heterogeneous industrial production apparatuses (col. 1, lines 25-30, industrial processes performed at the plant; lines 32-34, various field devices throughout the plant in a distributed control system known in the control art) located on separate industrial sites (lines 32-34, various field devices throughout the plant comprising separate industrial sites) that are spaced from one another, each apparatus comprising

record means or sensor for recording information relating to the operation of said apparatus (column 1, lines 55-56, note: current is a result of reading information or proportional to the sensed process variable),

means for the remote monitoring of said apparatus (Fig. 1, column 3, lines 62-, column 4, lines 1-26, remote industrial devices (24-54)), and

communication means connected to said record means or sensor and remotely connectable to a monitoring station for communicating said recorded information from said apparatus to said remote monitoring station (Fig. 1, column 3, lines 62-, column 4, lines 1-26, control room (12)),

said communication means of each production apparatus comprising

first analog means for structuring under a predetermined first analog said recorded information, said first analog being independent of the nature of the production apparatus and of said recorded information, and said remote monitoring station comprising

processing means for processing the analog information received from each apparatus (column 1, lines 55-56, note: current is a result of reading information or proportional to the sensed process variable, and is analog value whereby said sensor

variable is identified through controller and monitor). , generating means for generating the control data for controlling each said apparatus (col. 14, lines 53-58, judgment generates control of apparatus) and second formatting means and transmission means (fig. 7, format is transmitted to slave system for apparatus control).

But Tapperson is silent on

sending automatically an alarm to said monitor based on the operating information,

said communication means of each production apparatus comprising

first formatting means for structuring under a predetermined first format said recorded information, said first format being independent of the nature of the production apparatus and of said recorded information, and

said remote monitoring station comprising processing means for processing the formatted information received from each apparatus,

generating means for generating the control data for controlling each said apparatus and second formatting means and transmission means.

However, Hatakeyama discloses, in the art of network configuration, sending automatically an alarm to said monitor based on the operating information (co. 11, line 66, send alarm in slave system 2 to master system 1), said communication means of each production apparatus comprising first formatting means for structuring under a predetermined first format said recorded information (Fig. 3-5, col. 11, lines 49-67, first set of data (24) associated with analog and digital), generating means for generating the control data for controlling each said apparatus (col. 14, lines 53-58,

judgment generates control of apparatus) and second formatting means and transmission means (fig. 7, format is transmitted to slave system for apparatus control) to provide analog and digital structured data exchange. Therefore, it would have been obvious to include sending automatically an alarm to said monitor based on the operating information, said communication means of each production apparatus comprising first formatting means for structuring under a predetermined first format said recorded information, generating means for generating the control data for controlling each said apparatus and second formatting means and transmission means in the device of Tapperson as evidenced by Hatakeyama because Tapperson suggests first analog means for structuring under a predetermined first analog said recorded information and Hatakeyama teaches sending automatically an alarm to said monitor based on the operating information, said communication means of each production apparatus comprising first formatting means for structuring under a predetermined first format said recorded information, generating means for generating the control data for controlling each said apparatus and second formatting means and transmission means to provide analog and digital structured data exchange.

All subject matters except said monitor comprising a second communication device including second processor and communicating with first communication device in claims 14 are discussed above with regards to claim 11. However, Hatakeyama teaches, in the art of network configuration, said monitor comprising a second communication device including second processor and communicating with first communication device (Fig. 2, first communication device 1 and second communication device 2 to control control-points 4 connected to sensors) for the purpose of providing analog and digital structured data exchange. `Therefore,

it would have been obvious to a person skilled in the art at the time the invention was made to include said monitor comprising a second communication device including second processor and communicating with first communication device in the device of Tapperson because Tapperson suggest the remote monitoring of said apparatus and Hatakeyama teaches said monitor comprising a second communication device including second processor and communicating with first communication device for the purpose of providing analog and digital structured data exchange. Therefore rejection of the subject matters expressed in claims 14 are met by references and associated arguments applied to rejection of claim 11 and to rejection provided in the previous paragraph.

Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tapperson in view of Hatakeyama as applied to claim 16 above, and further in view of Gray (5,426,421).

Regarding claims 12-13, Tapperson in view of Hatakeyama continues, as disclosed in claim 16, to disclose wireless and wired network. But Tapperson in view of Hatakeyama does not disclose said network is a telephone network.

However, Gray discloses, in the art of network configuration, added feature of telephone network or interface (column 2, lines 5-14, lines 64-68 and column 3, lines 1-6, note: network using telephone line) to increase the area of remote device (or apparatus) monitor and control region. Therefore, it would have been obvious to include added feature of telephone network or interface (column 2, lines 5-14, lines 64-68 and column 3, lines 1-6, note: network using telephone line) to increase the area of remote device (or apparatus) monitor and control region in the device of Tapperson in view of Hatakeyama as evidenced by Gray because Tapperson in view of

Hatakeyama suggests wireless and wired network and Gray teaches added feature of telephone network or interface (column 2, lines 5-14, lines 64-68 and column 3, lines 1-6, note: network using telephone line) to increase the area of remote device (or apparatus) monitor and control region.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matsuichiro Shimizu whose telephone number is (703) 306-5841. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (703-305-4704). The fax phone number for the organization where this application or proceeding is assigned is (703-305-3988).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-8576).

Matuichiro Shimizu
November 21, 2005

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600